

**CHAPTER NO. 744**

**SENATE BILL NO. 3165**

**By Bryson**

**Substituted for: House Bill No. 3599**

**By Sargent, Odom**

AN ACT to amend Tennessee Code Annotated, Section 56-54-101, relative to malpractice claims reporting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-54-101, is amended by inserting the following language as a new subsection (f) and appropriately redesignating the existing subsections accordingly:

(f) The report filed pursuant to subsection (g) in 2006 for the 2005 calendar year, and for all subsequent reporting years, shall also include the amounts paid for all damages and defense expenses in the categories listed in subsection (c), subdivisions (3) and (4), from the inception date of the claim until the end of the preceding calendar year. The intent of this subsection is to provide complete payment information over the entire time period of each claim's duration.

SECTION 2. Tennessee Code Annotated, Section 56-54-101(e), is amended by deleting the period at the end of the subsection and by inserting the language "only to the extent that the claimant's Social Security number is available to the reporting entity."

SECTION 3. Tennessee Code Annotated, Section 56-54-101, is amended by adding the following language at the end of subsection (d):

In addition, reporting entities shall resubmit any report(s) not containing the information required by subsection (f) by July 1, 2006.

SECTION 4. Tennessee Code Annotated, Section 56-54-101(c)(4), is amended by deleting the language "the portion of any settlement or judgment received by claimant's counsel," and the sentence "Counsel for claimants asserting claims covered by this section shall provide information about fee arrangements to facilitate reporting required by this subdivision (c)(4)."

SECTION 5. Tennessee Code Annotated, Section 56-54-101(c)(4), is further amended by adding the following sentence at the end of such subdivision: "With regard to each amount paid on claims reported under subdivision (c)(3), the reporting entity shall also list the name of each attorney representing the claimant."

SECTION 6. Tennessee Code Annotated, Section 56-54-101(c), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Counsel for claimants asserting claims covered by this section shall provide information about fee arrangements to the Department of Commerce and Insurance. Such information must include the portion of any settlement or judgment received by claimant's counsel. For the purposes of the levying of civil penalties under subsection (l), counsel for claimants who are required to submit the information outlined in this subdivision (c)( ) shall be considered reporting entities under this section.

SECTION 7. Tennessee Code Annotated, Section 56-54-101(f), is amended by replacing the word "September" with the word "November".

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 8, 2006**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 23<sup>rd</sup> day of May 2006**

  
PHIL BREDESEN, GOVERNOR